

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES L. MOORE, R.Ph.,
RESPONDENT.

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FINAL DECISION AND ORDER

0006079

Division of Legal Services and Compliance Case No. 17 PHM 154

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

James L. Moore, R.Ph.
18020 Ironhorse Road
Tomah, WI 54660

Wisconsin Pharmacy Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Pharmacy Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent James L. Moore, R.Ph., (D.O.B. September 19, 1956) is licensed in the state of Wisconsin to practice pharmacy, having license number 12416-40, first issued on January 19, 1996. This license expired on May 31, 2018. Respondent retains the right to renew upon a payment of a fee until May 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 18020 Ironhorse Road, Tomah, Wisconsin, 54660.

2. At all times relevant to this proceeding, Respondent was employed as a managing pharmacist at a health center (Center), located in Cashton, Wisconsin.

3. On October 13, 2017, while the Respondent was on medical leave, the Center discovered that a large volume of medications were missing.

4. Between December 4, 2015, and August 21, 2017, the amount of medications documented as ordered were less than the amount documented as received. The controlled substances that were never logged as received by the Center included approximately:

- a. One thousand three hundred eighty (1,380) tablets of hydrocodone 7.5-325 mg tablets;
- b. One thousand seven hundred five (1,705) hydrocodone 10-325 mg tablets;
- c. One thousand three hundred (1,300) hydrocodone 5-325 mg tablets;
- d. Three hundred (300) oxycodone 5 mg tablets;
- e. Five hundred (500) amphetamine 20 mg tablets; and
- f. One hundred (100) morphine 15 mg tablets.

5. On October 13, 2017, the Center's legal counsel contacted the Cashton Police Department to report the discrepancies discovered with the medications in the Center's pharmacy department.

6. On October 20, 2017, Respondent admitted to the Chief of Police that he took hydrocodone, oxycodone, and amphetamines from the pharmacy for pain related to his hip.

7. On May 30, 2018, in Monroe County case number 2017CF000739 Respondent pled no contest and was convicted of four (4) counts of obtaining a controlled substance by fraud, a class H felony, under Wis. Stat. § 961.43(1)(a), and two (2) counts of possession of narcotic drugs, a class I felony, under Wis. Stat. § 961.41(3g)(am).

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 450.10(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, James L. Moore, R.Ph. engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(1), by administering, dispensing, supplying or obtaining a drug other than in legitimate practice, or as prohibited by law.

3. As a result of the above violations, James L. Moore, R.Ph. is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1 and 3, by engaging in unprofessional conduct and being found guilty of an offense the circumstances of which substantially relate to the practice.

ORDER

1. The attached Stipulation is accepted.
2. The voluntary SURRENDER of James L. Moore, R.P.h.'s right to renew his license to practice pharmacy in the state of Wisconsin (license no. 12416-40) is hereby accepted.
3. In the event Respondent petitions the Board for reinstatement of his license to practice pharmacy in the state of Wisconsin, the Board may enter an order denying such petition without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license shall be in the discretion of the Board.
4. In the event Respondent petitions the Board for reinstatement of his license to practice pharmacy in the state of Wisconsin or applies for another credential with this Department, Respondent shall pay the costs of this matter in the amount of \$682.00.
5. If applicable, payment of costs would be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov


You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

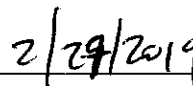
6. This Order is effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

by:


A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

RECEIVED

JAN 31 2019

DEPT OF SAFETY & PROFESSIONAL SERVICES
DIVISION OF LEGAL SERVICES & COMPLIANCE

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES L. MOORE, R.Ph.,
RESPONDENT.

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STIPULATION

0006079

Division of Legal Services and Compliance Case No. 17 PHM 154

Respondent James L. Moore, R.Ph., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

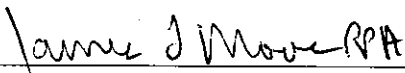
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

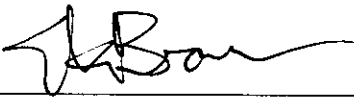
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


James L. Moore, R.Ph., Respondent
18020 Ironhorse Road
Tomah, WI 54660
License no. 12416-40

1-29-2019
Date


Elizabeth K. Bronson, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

1/31/19
Date

